

FINANCE / PARKS & RECREATION /
PUBLIC WORKS PROGRAMS COMMITTEE
July 13, 2011

A meeting of the Finance / Parks & Recreation / Public Works Programs Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember JoAnn A. Yukimura, Chair Pro Tem at the Council Chambers, 3371-A Wilcox Road, Lihue, Kaua'i, on Wednesday, July 13, 2011, at 11:00 a.m., after which the following members answered the call of the roll:

Honorable KipuKai Kuali'i
Honorable Nadine K. Nakamura
Honorable JoAnn A. Yukimura
Honorable Dickie Chang, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

EXCUSED: Honorable Tim Bynum
Honorable Mel Rapozo

Minutes of the June 29, 2011 Finance / Parks & Recreation / Public Works Programs Committee.

Upon motion duly made by Councilmember Kuali'i, seconded by Councilmember Nakamura, and unanimously carried, the Minutes of the June 29, 2011 Finance / Parks & Recreation / Public Works Programs Committee was approved.

The Committee proceeded on its agenda items, as follows:

Bill No. 2149, Draft 2 A BILL FOR AN ORDINANCE AMENDING
SECTION 19-2.1 AND ADDING A NEW ARTICLE
TO CHAPTER 19 OF THE KAUAI COUNTY
CODE 1987, RELATING TO CAMPING AT
LYDGATE PARK [This item was deferred.]

Ms. Yukimura: We have received a letter from Gary Heu, Managing Director, requesting a deferral and it's probably a good idea since our two (2) key members are also absent.

Mr. Kuali'i moved to defer Bill No. 2149, Draft 2, seconded by Ms. Nakamura, and unanimously carried.

Mr. Furfaro: Excuse me, did you want to testify?

Ms. Yukimura: Oh! Excuse me.

Mr. Furfaro: May I say we got a little procedural issue here...

Ms. Yukimura: Thank you Chair, I'm sorry... So? Before we take a vote on the deferral, we'll ask for testimony from the public. Mr. Mickens, I apologize, I know you have submitted written testimony, I should have known.

GLENN MICKENS: No problem JoAnn.

Mr. Furfaro: Excuse me before you start, you might want to look at your Committee members and ask them to remove the motion.

The meeting was called back to order, and proceeded as follows:

Ms. Yukimura: Thank you. Yes let me do that right now, so may I ask for a withdrawal of the motion to defer?

Mr. Kuali'i withdrew his motion to defer Bill No. 2149, Draft 2;
Ms. Nakamura withdrew her second to the motion.

Ms. Yukimura: And the motion to withdraw as well as the second is withdrawn... and Mr. Mickens?

There being no objections, the rules were suspended.

Mr. Mickens: Thank you JoAnn, for the record Glenn Mickens. I know that Bill No. 2149, Draft 2 is being deferred but I would respectfully ask that I may read my testimony for the viewing public that you all have copies of. I still ask that you not only listen to what I say but carefully go over my written testimony and have answers to it when this is again on the agenda. You also have eleven (11) questions attached to my testimony from then Councilwoman Carvalho to Bernard Carvalho, he wasn't the Mayor at that time... January 20, 2006 regarding this issue. I would like you to review it. My testimony... One of the biggest questions asked in September of 2005 when this bill was first introduced by Shaylene Iseri-Carvalho and still never answered was what study was ever done to show that the majority of people on Kaua'i want or need these camp grounds in Lydgate Park? And not just who wants them but making sure that all associated costs possibly hiring two (2) more caretakers to maintain the area. Finding security to deal with problems that will arise like drunkenness, drugs, noise and camping violations and more clerical work are factored in before we ready, fire, aim.

Wasn't the Papaloa Road fiasco a strong enough wake up call for this Council to get a firm estimate for any prospective project before doing it? Thanks to Councilman Rapozo that path debacle was uncovered before the tax payers spend twenty (20) times more for the project than the original estimate.

This project began in 2005 and certainly has no urgency to start or complete so why not do our total due diligence and see if one (1) it is needed, and two (2) what the cost will be and three (3) can we afford it in these dire times?

I volunteered in Lydgate Park for three (3) years so have some knowledge of what is and what isn't needed there. It is a beautiful park when properly maintained for picnicking, swimming, playing, and now for soccer. But when these events are all going on at the same time, the area is maxed out and certainly doesn't need campers to exacerbate the problem. On January 20, 2006 Councilwoman Carvalho submitted a list of eleven (11) questions to then Director of Offices of Community Assistance Bernard Carvalho.

The first nine (9) questions were about ADA compliance and it would be interesting to know if all of these issues have been addressed. Question ten (10) asked for verification from the Department of Health (DOH) that the bathroom facilities are adequate and comply with the Hawai'i Administrative Rules, Title 11, DOH Chapter 11, Sanitation.

This was a pressing issue with Chair Asing and others at the time and my investigation has shown that no new restrooms have been built and there are still only five (5) there as of today, inadequate for more people's usage. And question eleven (11) asks the County Attorney's position on the legality of hiring outside, private personnel to provide security functions for the County and I do not believe we ever got an answer.

I spoke with Chief Perry and asked if he had enough officers to respond to altercations in camping grounds. He has ten (10) officers on each beat to cover our entire island and he uses them on a prioritized basis. Drunkenness, drug problems, and noise levels that cause altercations in a camp ground would be addressed but would be low on his priority list.

Remember that twenty (20) or more years ago Mayor Malapit shut down the existing camp grounds basically in the same location they are programmed for now due to them becoming drug pits and because of a murder. Drugs are more prevalent today than they were then so why duplicate a mistake? If any camping regulation is violated, under Section 19-4.7 and 19-4.8 this bill is asking the park caretakers to address the problem but I believe that union rules prohibit their workers from this task. Ask Leilani. So who will enforce these violations?

Again, if we need camp grounds and have the funds to build them then find open space on Kaua'i to put them and don't make more problems for one of the nicest parks on the island. So this was basically, I've testified a couple of times, you probably don't have my copies of my testimonies in 06 or 07, I can supply you with copies of those but it basically said the same thing. So these are my concerns that number one (1) if you're going to have a campground, I'm not opposed to campgrounds if it's in the right place. People come over here and want to go on the Kalalau Trail and they want to camp on there, that's great, that's camping. To say that you're going to go down to Lydgate Park and pay to camp down there and you know, encounter no security problems or something, I just cannot see people taking their...I have a couple of friends of mine have young kids and they said they would never take their kids down there to Lydgate Park to camp, even if they had

campgrounds down there. It's just not a camping area... anyway that's my testimony, I appreciate your courtesy in allowing me to take this. I know it will come up again and... when will it come up again Jay?

Mr. Furfaro: August 24 is the request of the Administration... (inaudible) am I right Vice Chair?

Ms. Yukimura: No it just asked for a deferral.

Mr. Furfaro: Oh no, I'm sorry...

Ms. Yukimura: It's for the next Committee Meeting.

Mr. Furfaro: I'm sorry it was for the next item.

Ms. Yukimura: Yes.

Mr. Mickens: The next Committee Meeting which would be on the 24th? Two (2) weeks, okay, okay. Well.

Ms. Yukimura: Thank you Mr. Mickens.

Mr. Mickens: And again I will appreciate your reviewing my notes, you got this one from 2006 from Shaylene with those questions, I don't know if those have been answered or not.

Ms. Yukimura: Are there any questions of Mr. Mickens? I just have one (1). Did you see in the news recently with the opening of summer, people are standing in line on O'ahu to get camping permits? There were so many people wanting to camp and not enough camping sites?

Mr. Mickens: No, I didn't see it JoAnn.

Ms. Yukimura: Because camping is... it is a tradition of families here.

Mr. Mickens: In the right place, yes I agree.

Ms. Yukimura: And so where's the right place?

Mr. Mickens: Well I think there's many spots on Kaua'i that are open spaces like up in Kokee and places like this where it's truly... where you can go hiking and things... where you going to hike at Lydgate Park?

Ms. Yukimura: Oh I think families go to beach camping for other reasons than hiking. They go to...

Mr. Mickens: Oh.

Ms. Yukimura: ... have the kids be close to the beach.

Mr. Mickens: True. Even 'Anini is you know...

Ms. Yukimura: 'Anini, Hā'ena...

Mr. Mickens: Right, right.

Ms. Yukimura: Anahola.

Mr. Mickens: These are places but when you look at Lydgate Park and it's overcrowded in this stage of the game, I can't see that this is a true camping area. Why was it shut down twenty (20) years ago?

Ms. Yukimura: There were, I think, a lot of management problems back then but this is a new time. I think a lot of families want to camp.

Mr. Mickens: Has there been research showing that JoAnn?

Ms. Yukimura: I believe the parks... Friends of Lydgate Park did do a survey so... or did do a process of determining what was needed and that's why they came up with the soccer park. They assessed the needs of the community for park and open space.

Mr. Mickens: And have the bathrooms been addressed?

Ms. Yukimura: So we will ask them to be here as well.

Mr. Mickens: Okay.

Ms. Yukimura: Thank you very much.

Mr. Mickens: You're welcome.

Ms. Yukimura: Anymore questions? If not, thank you. Is there anyone else who wishes to speak on this item?

Mr. Furfaro: Vice Chair, I just wanted to confirm, the date it comes back is July 27.

Ms. Yukimura: Thank you Chair. We'll come back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

FPP 2011-04

Ms. Yukimura:

There being no objections, the rules were suspended.

LARAINÉ MORIGUCHI:

(Three minutes)

Ms. Yukimura:
minutes. Please proceed.

That's okay, you have another three (3)

Ms. Moriguchi: To and from work, shopping, church and medical appointments. Its closure forced pedestrians to walk along the dangerous narrow shoulder of the Kūhiō Highway Bridge. In response to the argument that the Kapaia Swinging Bridge would benefit only a few people, Kapaia Foundation asks how many people does it take to justify public safety? Is Angelie Panerra one person too few? How about twelve year old Jerome (inaudible) and his ten year old brother Jonathan, or George Iwai and Cody Powers? Again, how many people does it take to justify public safety? Kapaia Foundation has a cost effective workable plan and we are anxious to share it. Because the County of Kaua'i owns the historic bridge, Kapaia Foundation cannot move forward without Mayor Carvalho's approval and cooperation. We've said it before and we'll say it again, Kapaia Foundation is fully capable and willing to assist the County of Kaua'i in restoring the Kapaia Swinging Bridge. We implore Mayor Carvalho to put public safety before politics and work with us to restore a safe pathway across the Kapaia Swinging Bridge for citizens walking between Hanamā'ulu and Līhu'e. Thank you.

Ms. Yukimura: Thank you. Any questions of Ms. Moriguchi? If not... let's see, thank you very much for your testimony and we'll see if there's anyone else to testify? Is there anyone else? Mr. Mickens?

Mr. Mickens: Thank you JoAnn, for the record Glenn Mickens. Just a question, if in fact the County does control that bridge, if they, I guess private people of what I understand, I might be wrong... private people built the bridge, then I guess the County came in and bought the bridge or took control of it. If the County did in fact and as the young lady said now controls the bridge, why haven't they maintained it? Why has the bridge gotten in this kind of shape? I remember coming here three (3) or four (4) years ago whenever that gentleman was showing that they had to walk across the creek down there and the slats and everything... you couldn't use the bridge, so why hasn't the County been responsible enough to maintain it? It doesn't make sense to me and I think she has a highly legitimate thing, a complaint about the safety of the thing and again if it was the private people that owned it, it's up to them to go ahead and do it... but since the County if I understand right does own it, it's up to them to go ahead and fix it. So anyway that's my take on this.

Ms. Yukimura:
Mr. Mickens? I just want to...

Thank you Mr. Mickens. Any questions of

Mr. Furfaro:

JoAnn, I have something.

Ms. Yukimura:

Chair, I'm sorry, go ahead.

Mr. Furfaro: Thank you. You know first of all I think we need to get the facts in line, okay, so we all understand. I don't think and in all fairness to my friend from the Garden Island a real chronology has been expressed to people. I have chronology, I've just passed out to all the Committee members here, okay, there are copies of it up the counter over there, I would encourage the media to take a copy as well.

Mr. Mickens: Yes.

Mr. Furfaro: Your question about the bridge, the bridge was built by the County at a time where many relationships about public access through sugar and pineapple and so forth were pretty well understood that the benefit are the people that actually live in that area and most likely also work for the various plantations.

Mr. Mickens: But the County built it you said?

Mr. Furfaro: I'd like to go through my presentation.

Mr. Mickens: Okay, I'm sorry.

Mr. Furfaro: So that it doesn't come across local-style, so hammer-jang, okay... so we have this thing that the County did build it but the County had no easements, no properties at either end. It was dependent on relationships, okay? Now the Council allocated money to a restoration, okay, because it was brought to our attention that the bridge needed addressing as you just brought up. That was several years ago. We were given a number by then County Engineer, they began using part of that money for various surveys and structural pieces and so forth and pursuant over the years there were many delays. The new Administration initiated some estimates on the repair of the bridge, not the restoration of the bridge, but a new bridge, thinking that the issues with ADA would surface and would require them not to replace a bridge that was four foot wide but to replace a bridge that is now ADA compliant at six feet. They did not necessarily share all of the particulars with us on what DCAB had recommended or what SHPD had recommended. So this Council, and charged to my travel budget, brought these people over because the State's budgets are very, very tight. Those two (2) offices had said to us that the reality here is no, perhaps we didn't follow your instructions when it was based on a restoration, but we went and focused on a complete rebuild. The only two (2) items that were left in the rebuild would have been the bases for the towers. So all of these years, the bridge has continued to deteriorate and the Council hasn't changed its position and the Council hasn't all agreed where we're at. I certainly expressed my point, Glenn which is... let's first restore the bridge, the repair and maintenance, the r&m of the bridge is too important, as long as we're doing it in the terms of a restoration. The second phase as many Councilmembers... is to negotiate easements so that it could be and of course the ongoing procedure is to get some variances from the ADA people. We all have to understand those pots. I have said that I would be more than willing to

work with SHPD and with DCAB if we understood we could find Federal and State funds for a two (2) million dollar project that the County would stand by and help with our twenty percent (20%) which could be four hundred thousand. That does not include anything more than restoring the bridge to its historical integrity.

Mr. Mickens: Without ADA compliance or with it?

Mr. Furfaro: They have to pursue, and let me say it again, ADA variances. They can be done if you're restoring the bridge.

Mr. Mickens: Yes.

Mr. Furfaro: That question then begs do we find ourselves in the position that the bridge is actually historically reestablished or is it actually reestablished and we have rights of entry to access? That question needs to be determined not by this Council, by working with SHPD and historic preservation and I think that's one of the reasons, I believe that's one of the reasons Mr. Heu is requesting this four (4) week period of time. Those pieces haven't been answered and in the meantime they withdrew about eighty-nine thousand dollars of which rightfully they can do, we set the money there, on a complete redesign and as people have come up and testified, it's gone from a historic preservation to a total new rebuild and that's not what this Council stepped forward to do. We wanted to pursue the historical value first and so this is all laid out from January of this year through where we are at today July 13 and the Administration is asking us for a four (4) week delay. Please take a copy of that for yourself.

Mr. Mickens: Yes.

Mr. Furfaro: I think it answers where we believe we're at and where the Administration believes we're at but the Council wants to pursue that when we put the money in the first time, it was getting information from Donald who was then County Engineer on a historic rebuild and as ADA got into it, we started to think that we had to meet all these compliances without asking for the variances. So we at the request of Mr. Rapozo and charged to my travel budget, got these people to come over so we can get first hand hearing. I'm going to support the deferral, oh I can't I don't vote on this today but I would hope that we support the deferral to have the chronology that's laid out here answered with some detail from the Administration in four (4) weeks.

Mr. Mickens: Well it does sound as you're pointing out the ADA would definitely should give a variance on the way it was and wheelchairs couldn't get over the top of that thing before so anymore (inaudible) Keālia Kai, they (inaudible) wheelchair accessible down to the beach, obviously they got a variance so as you're pointing out it seems that they should be able to get a variance and not make this an extravaganza just so these people can have this historical bridge. I don't know...

Mr. Furfaro: You got my point, I won't comment on Keālia but the point is, have we exhausted all variances...

Mr. Mickens: Right.

Mr. Furfaro: ...to restore the bridge?

Mr. Mickens: Yes.

Mr. Furfaro: And then if we don't get all the variances, are we willing to restore it for its historical value...

Mr. Mickens: Right.

Mr. Furfaro: ...but not as its use. Now the problem with the bridge crossing over the Highway is actually something we should be petitioning the State to do to add a safe walkway on the highway bridge; that is a State project, not a County project.

Mr. Mickens: True, true and if they participate it...

Ms. Yukimura: Thank you. I think...

Mr. Furfaro: Council Vice Chair thank you very much.

Ms. Yukimura: Thank you Council Chair.

Mr. Furfaro: The chronology is up there if anybody wants it.

Ms. Yukimura: Thank you for doing that. I think it's very valuable.

Mr. Mickens: Thank you very much JoAnn.

Ms. Yukimura: Thank you Mr. Mickens. Anyone else wishing to speak from the audience on this subject? If not, I will call the meeting back to order.

There being no objections, the meeting was called back to order, and proceeded as follows:

Ms. Yukimura: I feel that the six (6) week delay is really too long and if I recall from our last meeting, the main reason we wanted a two (2) week deferral was we wanted a response from the stabilizing of the bridge because of the urgency of the matter and the other issues can come at a later date. So what I would recommend is to defer this matter without the 24 as the deadline but with

the understanding that what we want to hear in two (2) weeks is a response from the Administration about stabilizing the bridge to protect it from further deteriorating and the other issues could come on the 24 if... other Committee members do you have any thoughts about that?

Mr. Kualii: I agree. I heard Ms. Moriguchi that it was a long period of time and the Chair kept referring to four (4) weeks and I saw that it was six and I think that this is a matter that has to be addressed and quickly and we made that clear in the last couple of meetings especially the stabilizing the bridge part and so I would definitely support the deferral in two (2) weeks to hear about stabilizing the bridge.

Ms. Yukimura: Any other thoughts?

Mr. Furfaro: I want to make sure I'm hearing two (2) things and since the agenda comes under my control, the items that are here can be deferred with the exception of the stabilization. The new item we want to put on the Committee in two (2) weeks only addresses the opportunities to stabilize?

Ms. Yukimura: Yes. A plan for stabilization.

Mr. Furfaro: Yes.

Ms. Yukimura: Hopefully a consultation with someone who understands historic structures and some plan and cost estimates about how much it would take and how a stabilization would be done.

Mr. Furfaro: I will put that on the agenda in two (2) weeks. Councilmember Kualii will address the stabilization of the two (2) towers which seems to be giving us the biggest challenges. In all fairness to the Administration the other items I would like to really honor their request because as you can see from the work that I have done in the chronology, there are many factors that we need to hear back from them on.

Ms. Yukimura: Councilmember Nakamura is that okay with you?

Ms. Nakamura: That's fine with me.

Ms. Yukimura: So then a motion to defer as to the item of stabilization with the other issues to be reported back on the 24th of August?

Mr. Furfaro: Yes.

Ms. Yukimura: (inaudible).

Mr. Furfaro: Mr. Clerk could you give us some clear definition. I am suggesting that the items of stabilizing on the two (2) towers, we should have a revisit from the Engineering Department in two (2) weeks. The other items covered in my chronology can be deferred until the 24.

Ms. Yukimura: And if I might... let us not restrict it to the towers, whatever it takes... there may be more to stabilization. We don't know unless we consult but basically the stabilization of the bridge...

Mr. Nakamura: So what it sounds like Vice Chair is in two (2) weeks in Committee...

Ms. Yukimura: That's correct.

Mr. Nakamura: There will be an agenda item regarding the bridge stabilization issue and then the remainder of the issues would be...

Mr. Furfaro: The 24 of August.

Mr. Nakamura: Yeah.

Ms. Yukimura: So we actually don't have to make it into a motion to defer but just to...

Mr. Nakamura: Because I believe if there's going to be two (2) weeks in Committee on different items specifically focused on stabilization, what we will do is put a specific...

Mr. Furfaro: Put a new item on.

Mr. Nakamura: Put a new item on for that and on this one which is more of a... from my understanding... more of an overarching kind of discussion, this one would be deferred to the August.

Ms. Nakamura: 24th?

Mr. Nakamura: 24th?

Mr. Furfaro: August 24th.

Mr. Nakamura: Yeah.

Ms. Yukimura: So perhaps a motion to defer the item but to put a new agenda item...

Mr. Nakamura: Correct.

Ms. Yukimura:

For the stabilization on...

Mr. Nakamura:

In two (2) weeks.

Ms. Yukimura:
Meeting?

...in two (2) weeks at the next Committee

Mr. Nakamura:

Yes.

Upon motion duly made by Ms. Nakamura, seconded by Mr. Kuali'i, and
unanimously carried, FPP 2011-04 was deferred.

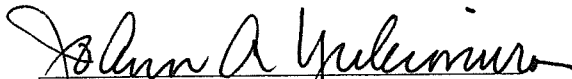
There being no further business, the meeting was adjourned at 11:32 a.m.

Respectfully submitted,



Darrellyne M. Simao
Council Services Assistant II

APPROVED at the Committee Meeting held on July 27, 2011:


JOANN A. YUKIMURA
MEMBER, FPP COMMITTEE